



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE

for PERMIT APPLICATION

Issue Date: October 15, 2008

Expiration Date: November 14, 2008

Corps of Engineers Action ID: NWP-2008-614

Oregon Department of State Lands Number: 41519

30 Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

Comments: Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
ATTN: CENWP-OP-GP (Ms. Kristen Riesche)
P.O. Box 2946
Portland, Oregon 97208-2946

Applicant: Mr. Matt McKamey, Cooper Creek Vineyards, LLC, P.O. Box 3989, Napa, California 94558

Location: The proposed project is located at 7855 Zumwalt Road, in Monmouth, Polk County, Oregon (Section 4, Township 9 South, Range 5 West).

Project Description: The proposed project involves constructing an earthen dam to create a reservoir. The reservoir would provide water for vineyards and other crops that would be established in the area. The proposed dam and reservoir would result in the placement of fill in an intermittent stream and immediately abutting wetland. The stream is a tributary to Cooper Creek. The reservoir would inundate three other intermittent streams and wetlands. On site mitigation is proposed for impacts associated with the project construction. The proposed mitigation consists of creating 0.521 acre of wetland and restoring the riparian corridors along the intermittent streams upstream of the dam and reservoir. Approximately 1,590 linear feet of stream restoration is proposed.

If a permit is issued, the Corps will determine what is appropriate and practicable compensatory mitigation. The amount of compensatory mitigation required shall be commensurate with the anticipated impacts of the project.

Purpose: The proposed project would provide irrigation for Cooper Creek Vineyards. Grape vines would be planted in the fields adjacent to the proposed reservoir. The first three years after the initial planting of the vines are critical to their survival; irrigation would be required to help ensure crop survival during the summer and winter months. The proposed reservoir would also be used for fire suppression, recreation, and wildlife.

Drawing(s): Five drawings labeled NWP-2008-614.

Additional Information: Additional information may be obtained from Ms. Kristen Riesche, U.S. Army Corps of Engineers at (503) 808-4387.

Authority: This permit will be issued or denied under the following:

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

Section 404(b)(1) Evaluation: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Endangered Species: Preliminary determinations indicate that the proposed activity may affect an endangered or threatened species or its critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) will be initiated. A permit for the proposed activity will not be issued until the consultation process is completed.

Cultural Resources: An initial evaluation of the proposed project area indicates that to the best of our knowledge, the described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. At this time the Corps is unaware of any cultural resource surveys of the project area. The proposed work is of such limited nature and extent that little likelihood exists for the proposed project to affect an unrecorded historic property or any other type of cultural resource.

This notice has been provided to the State Historic Preservation Office, interested Native American Indian Tribes, and other interested parties. If you have information pertaining to cultural resources within the permit area, please provide this information to the Corps project manager (identified on page 1 of this notice) to assist in a complete evaluation of potential affects.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands,

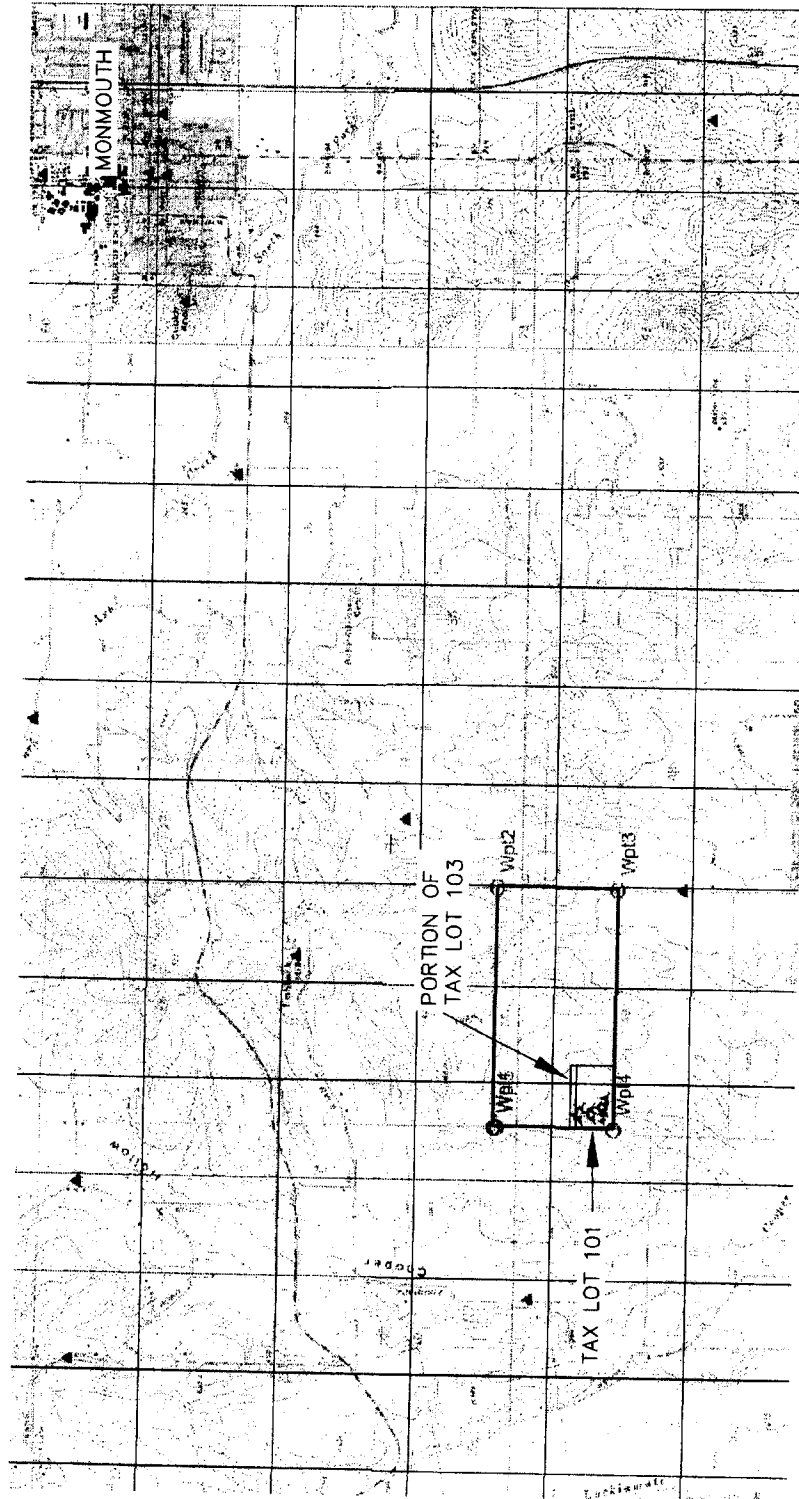
historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

FIGURE 1 - SITE LOCATION MAP COOPER CREEK VINEYARDS, LLC

Section 4, T9S, R5W, WM
Polk County, Oregon



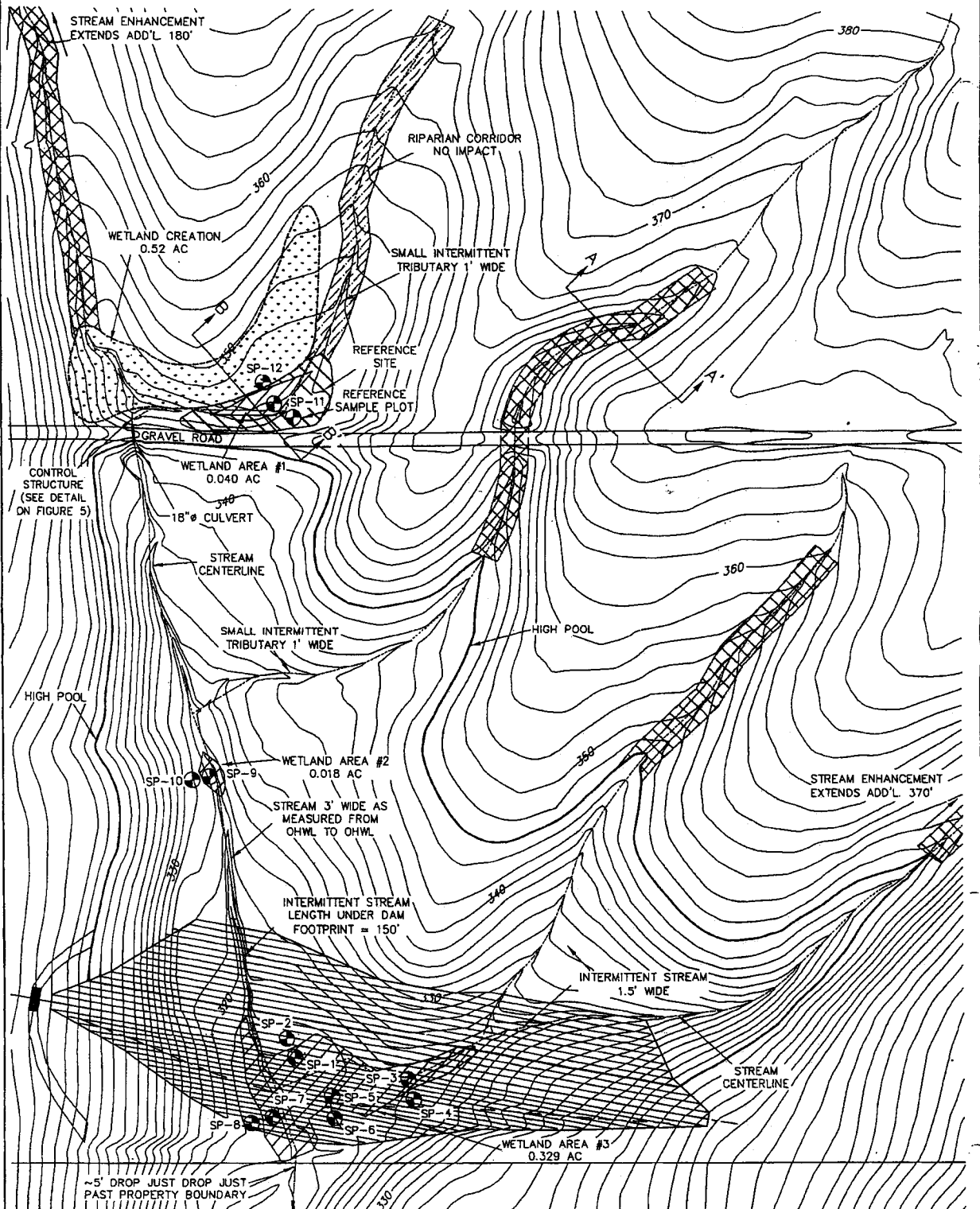
SCALE: 1" = $\frac{3}{4}$ MILE

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF SITE ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

Stuntzner
Engineering & Forestry, LLC

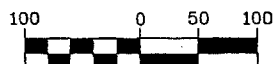
Project: 307-2-151
Drawing: 3072151L WETLAND.dwg
By: CVB/WPK
Checked by: EAU
Date: 08-05-08

FIGURE 2 - WETLAND MITIGATION MAP
COOPER CREEK VINEYARDS, LLC
 Section 4, T9S, R5W, WM
 Taxlot 101 and a portion
 of Taxlot 103,
 Polk County, Oregon



WETLAND BOUNDARIES SURVEYED WITH TOPCON S6 TOTAL STATION $\pm 0.1'$ ACCURACY

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WETLAND ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.



- Existing Wetland
- Intermittent Stream Enhancement Areas
- Wetland Creation Area
- Reference Site
- Boundary of Wetland

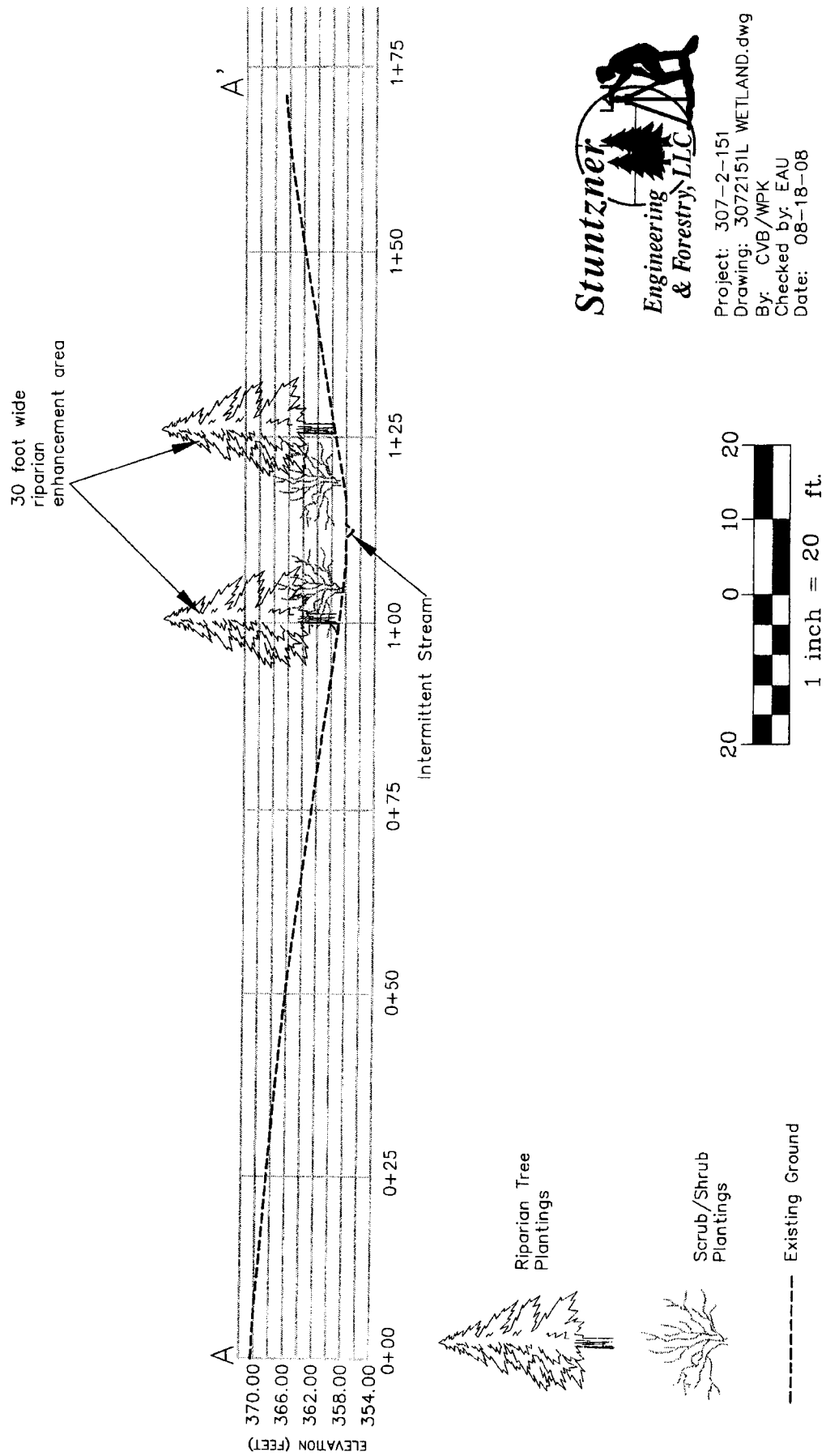


Project: 307-2-151
 Drawing: 3072151L
 WETLAND.dwg
 By: CVB/WPK
 Checked by: EAU

FIGURE 3

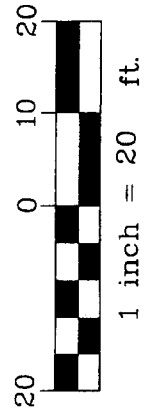
TYPICAL INTERMITTENT STREAM CROSS SECTION (A-A')

Tax Lots 101 & 103, Section 4, T9S, R5W, WM
 Polk County, Oregon
 Land Owner: Cooper Creek Vineyards, LLC
 Project: Intermittent Stream Mitigation for Reservoir



Stuntzner
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 & Forestry, LLC

Project: 307-2-151
 Drawing: 3072151L WETLAND.dwg
 By: CVB/WPK
 Checked by: EAU
 Date: 08-18-08



Riparian Tree Plantings

Scrub/Shrub Plantings

Existing Ground

FIGURE 4

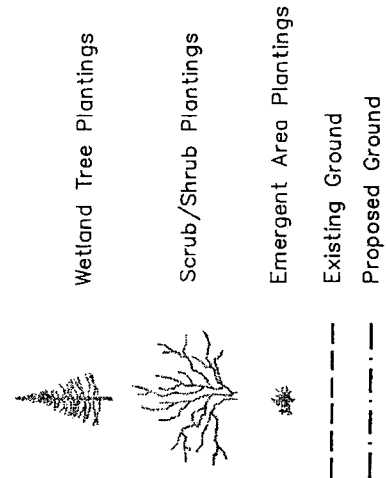
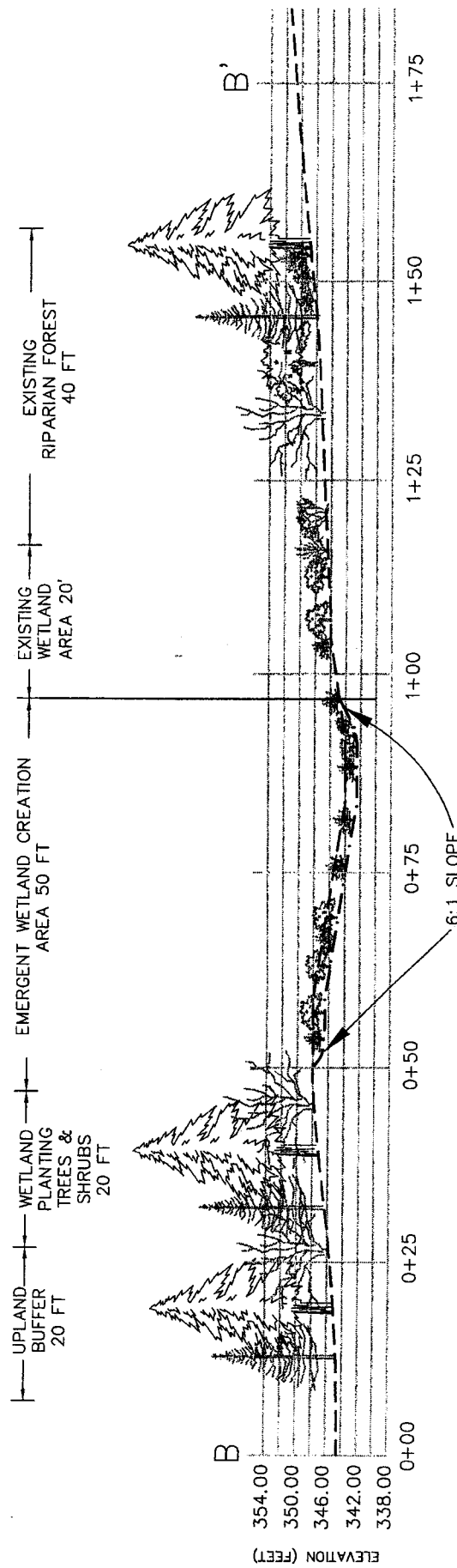
TYPICAL WETLAND CREATION CROSS SECTION (B-B')

Tax Lots 101 & 103, Section 4, T9S, R5W, WM

Polk County, Oregon

Land Owner: Cooper Creek Vineyards, LLC

Project: Wetland Creation Mitigation for Reservoir



Stuntzner
Engineering
& Forestry, LLC

Project: 307-2-151
Drawing: 3072151L WETLAND.dwg
By: CVB/WPK
Checked by: EAU
Date: 08-15-08

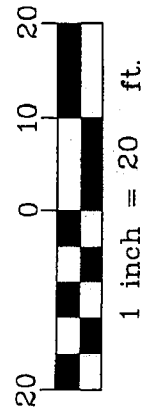
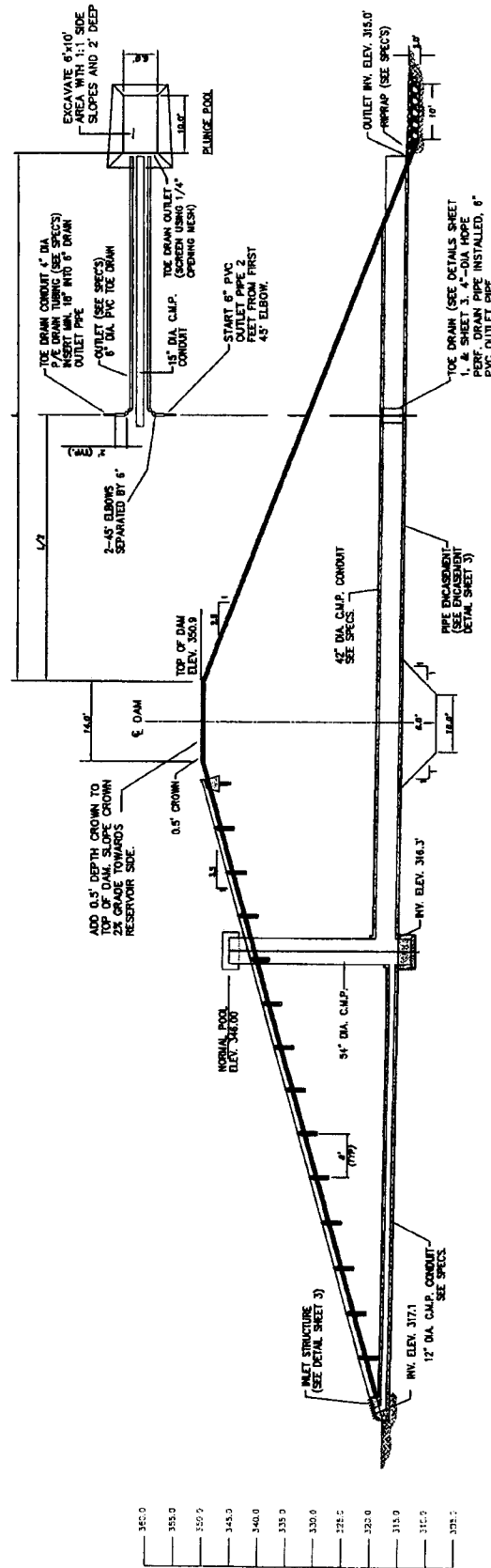


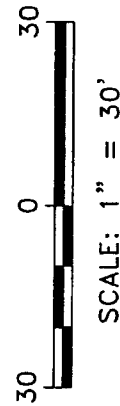
FIGURE 1b

PROPOSED DAM CROSS SECTION

Tax Lots 101 & 103, Section 4, T9S, R5W, WM
 Polk County, Oregon
 Land Owner: Cooper Creek Vineyards, LLC



Project: 307-2-151
 Drawing: 3072151K RES.dwg
 By: CVB/WPK
 Checked by: EAU
 Date: 08-19-08



PUBLIC NOTICE
Oregon Department of Environmental Quality (DEQ)
Water Quality 401 Certification

Corps of Engineers Action ID Number: NWP-2008-614
Oregon Department of State Lands Number: 41519

Notice Issued: October 15, 2008
Written Comments Due: November 14, 2008

WHO IS THE APPLICANT: Cooper Creek Vineyards, LLC

LOCATION OF CERTIFICATION ACTIVITY: See attached U.S. Army Corps of Engineers public notice

WHAT IS PROPOSED: See attached U.S. Army Corps of Engineers public notice on the proposed project

NEED FOR CERTIFICATION: Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

DESCRIPTION OF DISCHARGES: See attached U.S. Army Corps of Engineers public notice on the proposed project.

WHERE TO FIND DOCUMENTS: Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, 401 Water Quality Certification Coordinator, Northwest Region, 2020 S.W. 4th Avenue, Portland, Oregon 97201-4953.

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Jan Coomler at (503) 229-5087.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator at (503) 229-6030 or toll free within Oregon at (800) 452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

PUBLIC PARTICIPATION:

Public Hearing: Oregon Administrative Rule (OAR) 340-48-0032 (2) states that "The Corps provides public notice of and opportunity to comment on the applications, including the application for certification, provided that the department (DEQ), in its discretion, may provide additional opportunity for public comment, including public hearing."

Written comments:

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on November 14, 2008. Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Water Quality Certification Coordinator, Northwest Region, 2020 S.W. 4th Avenue, Portland, Oregon 97201-4953 or faxed to (503) 229-6957. *People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.* People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format to 401publiccomments@deq.state.or.us. Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

ACCESSIBILITY INFORMATION: This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Office of Communications and Outreach at (503) 229-5317 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.